REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-4, 6-10, 12-16, 18-22, and 24-50 are pending in the application, with claim 50 being new.

35 U.S.C. § 103 Rejections

Claims 1-4, 6-10, 12-16, 18-22, and 24-44, 46, and 48-49 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hall et al. (U.S. Patent No. 6,032,051) in view of Eaton et al. (U.S. Patent Publication No. 2003/0208545), Oprescu-Surcobe et al. (U.S. Patent Publication No. 2005/0009542), and Keating et al. (U.S. Patent Publication No. 2004/0082352). Claim 45 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Oprescu, and Keating, and in further view of U.S. Patent Publication No. 2003/0037103 to Salmi et al. (hereinafter "Salmi"). Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hall in view of Eaton, Oprescu, and Keating, and in further view of U.S. Patent Publication No. 2004/0267887 to Berger et al. (hereinafter "Berger"). Applicant respectfully traverses these rejections, as detailed below.

Oprescu

The Examiner has introduced a new reference, Oprescu, as teaching the claimed feature "transmitting an alert from the GCS to the target," as recited in claim 1, for example. The Examiner has cited paragraph [0011], lines 16-18 and paragraph [0021], lines 1-6 of Oprescu in support of this position. In the cited sections, Oprescu discloses a wireless presence proxy (WPP) 215 that occasionally signals a mobile station (MS) 201 with messaging to which the MS 201 is

required to respond. However, the WPP 215 pointed to by the Examiner is not a group communication server. The actual server in Oprescu is presence server 225 and the cited sections of Oprescu explicitly teach that the presence server 225 does not send an alert to the MS 201. (Paragraph [0011], "embodiments of the present invention reduce or avoid many existing inefficiencies, such as wide area paging and call set up and tear down for each presence ping, from each presence server;" emphasis added.) The WPP 215 is, as the name "proxy" suggests, a third-party intermediary between a mobile station and one or more servers.

Oprescu does state that the WPP 215 signaling to the MS 201 "may be triggered by events such as … receiving a request (e.g., a ping request) from presence server 225." (Paragraph [0021].) However, the WPP 215 does not merely relay "an alert" from presence server 225 to the MS 201, but instead generates an entirely new message when "triggered" to do so by a received "request." This message that is actually transmitted to the MS 201 is not the same as the request transmitted by the presence server 225. (Paragraph [0021], "The messaging [from WPP 215] to which MS 201 is required to respond includes messaging such as a page, a short data burst (SDB) message, a status request message, and a short message service (SMS) message.") Accordingly, while the presence server 225 may send a "ping request" to the WPP 215 asking the WPP 215 to take a certain action, the presence server 225 does not transmit an alert to the target as claimed. The WPP 215 transmits messages to the MS 201, and the WPP 215 is not a group communication server.

Therefore, Oprescu fails to teach or suggest the features relied upon with respect to the rejection of independent claim 1. The remaining references Hall, Eaton, and Keating fail to cure this deficiency of Oprescu, and independent claim 1 is allowable over the combination of Hall, Eaton, Oprescu, and Keating.

Eaton, Keating

With regard to both Eaton and Keating, the Examiner appears to now be asserting that "call setup" occurs when a user sends the first message of a call. (Office Action Response to Arguments, pg. 2; "The actual call setup occurs when the user clicks "send" to communicate with another person; "call setup occurs when the leader sends a message to the DAP to begin the group call.") This interpretation is improper and nonsensical. A call must be "set up" before it can begin, that is the purpose of a call setup, which generally includes all the preprocessing and signaling exchanges required to allow a data call to begin. While sending the first message of a call may "complete" call setup, it is not accurate to say that the first message of a call "is" the call setup.

Accordingly, Applicant expressly maintains the reasons from the prior responses regarding Eaton and Keating being directed to operations outside of call setup, and would like to clearly indicate on the record that Applicant has not conceded any of the previous positions related thereto. For brevity, Applicant expressly incorporates the prior arguments presented in the 4/13/2009 response without a literal rendition of those arguments in this response.

The remaining independent claims 7, 13, 19, 25, 30, 35, and 40 recite related subject matter to independent claim 1 discussed above. Therefore, for at least the foregoing reasons, it is respectfully submitted that claims 1, 7, 13, 19, 25, 30, 35, and 40 are distinguishable over the applied art. The remaining dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. *See* MPEP § 2143.01.

Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination. For example, claim 48 recites "wherein transmitting the alert from the GCS to the target is performed in response to the request for presence information about the target." The Examiner alleges that this feature is taught by Oprescu. Applicant respectfully disagrees. The "request" underlined in the quote above is recited as being sent in an alert from an originator to the GCS, the alert "including presence information about the originator and requesting presence information about the target." (Claim 1.) As discussed above with regard to Oprescu, the ping request from presence server 225 is what triggers WPP 215 to generate a message for the MS 201. This ping request is sent from the server 225, not an originator as claimed. The term originator is made clear from the context of the alert sent by the originator, which includes presence information about the originator. It would not make sense for the presence server 225 to send presence information about itself. Thus, the presence server 225 cannot be regarded as an originator as claimed and therefore cannot transmit a request that prompts "the alert from the GCS to the target" as recited in claim 48.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 9, 2009   By: _____
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